

REMARKS

STATUS OF CLAIMS:

Claims 1-12 are pending in the application after entry of the forgoing amendment. Claims 5-10 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1-4 have been examined. New claims 11 and 12 are added.

DRAWINGS:

The Examiner requests that corrected drawings be filed because Figures 2, 4, 5, 10 and 11 have markings; text appears in Figures 4 and 10; and “particle” is misspelled in Figures 6, 7 and 8. Accordingly, Applicant submits concurrently herewith a Request for Approval of Proposed Drawing Corrections that addresses the issues noted by the Examiner.

ELECTION/RESTRICTIONS:

The Examiner acknowledges the teleconference of February 6, 2003, where a provisional election was made to prosecute the invention of Group I, claims 1-4. Applicant hereby affirms this election.

SPECIFICATION:

The disclosure is objected to because of reference to claim numbers on pages 10 and 11. Accordingly, Applicants hereby amend the specification to overcome this rejection. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Applicant notes that the description “The image forming apparatus 1 ...the particle analyzing method” from the 14th line of Page 18 through the 22nd line of Page 21 is made in regard to a particle analyzer for external additives. However, this particle analyzer can be used for analyzing CCA which is an internal additive.

35 U.S.C. §103:

Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada (EP 0977092 [hereinafter “Okada ’092”]). Applicant respectfully traverses this rejection in view of the following remarks.

Claims 1-4 of the present application are characterized by specifically defining a charge controlling agent (CCA) as an internal additive that is internally added in mother particles, thereby exhibiting particular benefits and effects over prior art.

Although the CCA is supposed to be internally added in mother particles, some particles of CCA are not incorporated in the mother particles during the manufacturing process of the CCA so that the particles are present in a state liberated from the mother particles. Therefore, the present invention aims to eliminate such problems that occur due to the CCA particles being liberated from the mother particles. To achieve this aspect, the present invention teaches that the amount of liberated CCA particles is controlled to be an amount within a predetermined range, as recited in claims 1 and 4. That is, the present invention is not aimed at actively making the CCA work as an external additive.

The aforementioned features of claims 1 and 4 are not taught or suggested by Okada ’092. Okada ’092 only discloses a relationship between the mother particles and external additive particles. Therefore, the features of claims 1 and 4 would not have been obvious to a person with ordinary skill in the art on the basis of Okada ’092. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 4 be withdrawn. Claims 2 and 3 are patentable over the applied references at least by virtue of their respective dependencies, in addition to their individual recitations.

NEW CLAIMS:

Applicant adds new claims 11 and 12 to obtain more varied protection for the invention. These claims are allowable at least by virtue of their respective dependencies, in addition to their individual recitations.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 10/003,695

ART UNIT 1756
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In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

A Petition for Extension of Time of two months with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any overpayment to said Deposit Account.

Respectfully submitted,



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